



FISCAL MEMORANDUM

HB 1871 - SB 1982

March 8, 2022

SUMMARY OF BILL AS AMENDED (014913): Prohibits any private business, governmental entity, local education agency, or school from adopting or enforcing a rule, policy, procedure, or practice which treats individuals with natural immunity from COVID-19 differently than those who have received a vaccination for COVID-19.

FISCAL IMPACT OF BILL AS AMENDED:

NOT SIGNIFICANT

Assumptions for the bill as amended:

- The proposed legislation does not implement any fiscal penalty or require any disciplinary hearing; therefore, it does not require any additional expenditures for court proceedings, nor does it increase revenue from fines.
- Under current federal law, there are no COVID-19 vaccination requirements that impact Tennessee school personnel or students. The OSHA vaccine requirement, which would have required employers with over 100 employees to require their employees to either receive a COVID-19 vaccination or to produce weekly negative COVID-19 tests, has recently been stayed by the United States Supreme Court.
- Per Tenn. Code Ann. § 14-2-101 and 102, governmental entities, LEAs, and public schools cannot require students or employees to receive a COVID-19 vaccine or to provide proof of a COVID-19 vaccination.
- The Division of TennCare has no rule, policy, or practice that does not recognize that natural immunity provides a level of immune protection that is at least as protective as a COVID-19 vaccine or treats individuals with natural immunity differently than individuals who received the vaccine.
- According to the Department of Education, the Head Start vaccine requirement, which requires Head Start staff, volunteers, and contractors working directly with children to receive a COVID-19 vaccine or produce a weekly negative COVID-19 test, has been enjoined in Tennessee. If the Head Start vaccine requirement is upheld, then the proposed legislation would likely conflict since there are no exceptions for those with natural immunity.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink that reads "Krista Lee Carsner". The script is cursive and fluid, with the first letters of each name being capitalized and prominent.

Krista Lee Carsner, Executive Director

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